

The resolution was then adopted as amended by the following vote:

Yeas—17.

Bailey.	Lattimore.
Brelsford.	Morrow.
Collins.	Nugent.
Conner.	Taylor.
Cowell.	Terrell.
Gibson.	Warren.
Harley.	Watson.
Hudspeth.	Willacy.
Johnson.	

Nays—8.

Astin.	McNealus.
Clark.	Townsend.
Darwin.	Westbrook.
Greer.	Wiley.

Absent.

McGregor.	Real.
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Absent—Excused.

Carter.

ADJOURNMENT.

On motion of Senator Willacy, the Senate, at 12:10 o'clock p. m., adjourned until 10 o'clock tomorrow.

THIRTEENTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, August 5, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Lattimore.
Bailey.	McNealus.
Brelsford.	Morrow.
Clark.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Johnson.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

McGregor.

Absent—Excused.

Carter.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with, on motion of Senator Cowell.

EXCUSED.

On account of important business: Senator Real, for non-attendance on yesterday, on motion of Senator Cowell.

SIMPLE RESOLUTION.

By Senator Clark:

Be it resolved by the Senate, That the Superintendent of Public Buildings and Grounds be instructed to place an electric fan in the Senate Chamber directly over the Secretary's desk, the expense of same to be paid for out of the contingent expense fund of the Senate.

The resolution was read and referred to Committee on Contingent Expenses.

SIMPLE RESOLUTION.

By Senator Clark:

Resolved by the Senate, That whereas it is necessary that the members get their mail by 7:30 o'clock in the morning in order to answer same before the session begins; therefore, be it

Resolved, That the Postmistress be instructed to have the mail ready for delivery to the Senators as early as 7:30 in the morning, and that she remain to make up and deliver mail as late as 7 o'clock in the evening, and that the President of the Senate designate an employe to assist the Postmistress in this matter.

The resolution was read, and Senator Watson offered the following substitute:

Be it resolved by the Senate, That the President of the Senate appoint three members of the Senate to arrange for the delivery to the Senate Postmistress directly from the Austin postoffice of all mail addressed to the Senators, and that arrangements be made for delivery of same at such hours as will be satisfactory to the membership of this Senate.

The substitute was read and adopted.

The Chair appointed the following committee in accordance with the above substitute: Senators Watson, Clark and Astin.

SIMPLE RESOLUTION.

By Senator Clark:

Whereas, Many members of the Senate frequent the Senate Chamber as early as 7 o'clock a. m. for the purpose of attending to business matters before the regular session of the Senate; therefore, be it

Resolved, That the Superintendent of Buildings and Grounds be requested to have fans turned on in the Senate at 7 a. m. each day during this session.

The resolution was read and adopted.

SIMPLE RESOLUTION.

By Senator Clark:

Be it resolved by the Senate, That Capt. E. I. Kellie be excused from attendance on the Senate to attend the State reunion of Confederate Veterans at Greenville, Texas, beginning August 6.

CLARK,
WATSON.

The resolution was read and adopted.

BILLS AND RESOLUTIONS.

By Senator Morrow:

Senate bill No. 13, A bill to be entitled "An Act to amend Section 1, Chapter 150, of the laws enacted by the Thirty-third Legislature, Regular Session, entitled 'An Act to require applications under oath to be made for witnesses in felony cases; to provide adequate penalties against district clerks or his deputy for unlawfully issuing subpoenas in felony cases; to define the duties of the district judge with reference to sheriffs' accounts, and to provide for fees of witnesses residing in the county of the prosecution in felony cases, repealing all laws and parts of laws in conflict herewith, and declaring an emergency.'"

Read first time and referred to Judiciary Committee No. 2.

Morning call concluded.

(By Unanimous Consent.)

By Senator Brelsford:

Senate bill No. 14, A bill to be entitled "An Act to amend Chapters 1 and 2, Title 104, Revised Civil Statutes of 1911, the same being an act passed by the Fourth Called Session of the Thirty-first Legislature, and entitled 'An Act to establish a prison system, and declaring the policy of the State with refer-

ence thereto; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners and ex-prisoners as herein defined shall be permitted to testify in certain rules and regulations for the government and conduct of such prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor, and prescribing his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79, of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act,' and declaring an emergency."

Read first time and referred to Committee on State Penitentiaries.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 5, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 4, A bill to be entitled "An Act providing for the election of United States Senators from Texas to the Congress of the United States and providing for the selection and nomination of candidates therefor," with engrossed rider.

House bill No. 14, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them, as follows, to-wit: The University of Texas, Agricultural and Mechanical College, Prairie View Normal, College of Industrial Arts for Women, Sam Houston Normal Institute, North Texas State Normal, Southwest Texas State Normal, and West Texas State Normal, and declaring an emergency," with engrossed rider.

House bill No. 24, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them, as follows, to-wit: State Orphan Home, Confederate Home,

Confederate Woman's Home, Blind Institute, Deaf and Dumb Institute, Epileptic Colony, Deaf, Dumb and Blind Institute for Colored Youths, State Institution for the Training of Juveniles, Tuberculosis Sanitarium at Carlsbad, State Lunatic Asylum, Southwestern Insane Asylum, and North Texas Hospital for the Insane," with engrossed rider.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

HOUSE BILLS ON FIRST READING.

The Chair, Lieutenant Governor Mayes, referred, after their captions had been read, the following House bills:

House bill No. 4, referred to Committee on State Affairs.

House bill No. 14, referred to Finance Committee.

House bill No. 24, referred to Finance Committee.

SENATE BILL NO. 7.

The Chair laid before the Senate, on its second reading and regular order,

Senate bill No. 7, A bill to be entitled "An Act to amend Article 1314, Revised Statutes, prescribing conditions upon which foreign corporations may obtain permits to do business in Texas, and providing penalties for violating the provisions of this act."

The bill was read, and Senator Darwin offered the following amendment:

Amend the bill, page 2, line 14, by striking out all after the word "that," down to and including the word "paid," in line 15, and inserting in lieu thereof the following: "The full amount of the authorized capital stock has in good faith been subscribed and 50 per cent thereof has been paid in cash, or its equivalent in other property or labor done, the product of which shall be to the company of the actual value at which it was taken, or property actually received."

DARWIN,
WILEY.

Pending discussion, Senator Hudspeth offered the following substitute for the amendment:

Substitute for the amendment by striking out the word "fifty," in line 14, page 2, and insert in lieu thereof "seventy-five."

Pending discussion, Senator Gibson,

by unanimous consent, offered the following:

Resolved, That Senate bill No. 7 be referred to the following committee for the purpose of working out such amendments as will enable the Senate to pass such a law as will do justice to foreign and domestic corporations and at the same time protect the citizens of Texas, to be composed of Senators Wiley, Darwin, Lattimore, Morrow and Watson, and that said committee report back to the Senate as soon as possible.

The above resolution was read, and Senator Clark offered the following substitute for same:

Resolved, That Senate bill No. 7 be referred to the following committee for revision, and said committee report as early as possible: Darwin, Wiley, Morrow, Nugent, Hudspeth, Watson and Brelsford.

Action recurred on the substitute for the Gibson resolution, and the same was lost by the following vote:

Yeas—3.

Bailey.
Clark.

Hudspeth.

Nays—15.

Astin.
Collins.
Conner.
Cowell.
Gibson.
Greer.
Johnson.
Lattimore.

Real.
Taylor.
Terrell.
Townsend.
Warren.
Westbrook.
Willacy.

Present—Not Voting.

Brelsford.
Darwin.
McNealus.

Morrow.
Watson.
Wiley.

Absent.

Harley.
McGregor.

Nugent.

Absent—Excused.

Carter.

Action then recurred on the resolution, and the same was adopted by the following vote:

Yeas—11.

Astin.
Bailey.
Cowell.
Darwin.
Gibson.
Greer.

Hudspeth.
Lattimore.
Real.
Terrell.
Willacy.

Nays—8.

Clark.	Taylor.
Collins.	Townsend.
Conner.	Warren.
Johnson.	Westbrook.

Present—Not Voting.

Brelsford.	Nugent.
McNealus.	Watson.
Morrow.	Wiley.

Absent.

Harley.	McGregor.
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Absent—Excused.

Carter.

EXECUTIVE MESSAGE.

Governor's Office,
Austin, Texas, August 5, 1913.

To the Senate:

I respectfully ask the advice and consent of the Senate to the following appointments:

To be a member of the Board of Managers of the Southwestern Insane Asylum at San Antonio: Jos. J. Tucker, Jr., of Bexar county, in place of Geo. V. Maverick, resigned.

To be a member of the Board of Managers of the Deaf and Dumb Institute at Austin: W. H. Richardson, Jr., of Travis county, in place of T. D. Vaughan, deceased.

To be a member of the Board of Managers of the State Orphan Home at Corsicana: Doc Boyett, of Purdon, Navarro county.

Respectfully submitted,
O. B. COLQUITT,
Governor of Texas.

HOUSE BILL NO. 1.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

House bill No. 1, A bill to be entitled "An Act making appropriations to pay salaries of judges, and for the support of the Judicial Department of the State government for two years beginning September 1, 1913, and ending August 31, 1915, and declaring an emergency."

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out the figures "360" and "360," in line 31, page 5, of the printed bill and insert in lieu thereof the figures "480" and "480." Also amend

by inserting in line 5, page 6, the following: "For books for library, \$200 for the first year and \$200 for the second year."

WILLACY,
COWELL.

In connection with the consideration of this bill, Senator Townsend offered the following resolution:

"I move that the Senate proceeds to the consideration of the bill item by item, each item to be read by the Secretary until the whole bill is adopted, rejected or adopted with amendments."

The resolution was read and lost by the following vote:

Yeas—4.

Greer.	Townsend.
McNealus.	Westbrook.

Nays—19.

Astin.	Johnson.
Bailey.	Lattimore.
Brelsford.	Morrow.
Clark.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Warren.
Darwin.	Watson.
Gibson.	Wiley.
Hudspeth.	

Present—Not Voting.

Willacy.

Absent.

Harley.	Nugent.
McGregor.	

Absent—Excused.

Carter.

Senator Townsend called for the reading of the bill.

RECESS.

Senator McNealus moved that the Senate adjourn until 10 o'clock tomorrow morning.

Senator Westbrook moved, as a substitute, that the Senate recess until 1:30 o'clock today.

Action recurred on the longest time first, and the motion to adjourn until 10 o'clock tomorrow was lost by the following vote:

Yeas—3.

Bailey.	Morrow.
Hudspeth.	

Nays—21.

Astin.	McNealus.
Brelsford.	Real.
Clark.	Taylor.
Conner.	Terrell.
Collins.	Townsend.
Cowell.	Warren.
Darwin.	Watson.
Gibson.	Westbrook.
Greer.	Wiley.
Johnson.	Willacy.
Lattimore.	

Present—Not Voting.

Nugent.

Absent.

Harley.

McGregor.

Absent—Excused.

Carter.

The motion to recess was then adopted.

AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

HOUSE BILL NO. 1.

(Pending Business.)

Action recurred on the pending business, House bill No. 1, making appropriations for the Judiciary.

Senator Watson offered the following amendment, which was read and adopted:

Amend House bill No. 1, page 10, by inserting between lines 28 and 29, the following: "For the payment of transcripts in cases where the court is required to and does appoint an attorney to represent the defendant in a criminal action, and where the official shorthand reporter is required to and does furnish the attorney for said defendant, if convicted, with a transcript of the notes, as provided in Section 14 of Chapter 119, page 264, of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-second Legislature. For the years ending August 31, 1914, and August 31, 1915, \$800—\$800."

Senator Townsend offered the following amendment:

Amend the bill on page 2, line 7, by striking out said line.

The amendment was read, and Senator

Willacy moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—12.

Astin.	Hudspeth.
Bailey.	Johnson.
Brelsford.	Nugent.
Clark.	Terrell.
Conner.	Watson.
Gibson.	Willacy.

Nays—9.

Collins.	Real.
Darwin.	Taylor.
Greer.	Townsend.
Lattimore.	Westbrook.
McNealus.	

Absent.

Cowell.	Morrow.
Harley.	Warren.
McGregor.	Wiley.

Absent—Excused.

Carter.

Senator Lattimore offered the following amendment, which was read and adopted:

Amend bill by allowing each porter of Court of Civil Appeals \$480 per year for each year.

LATTIMORE,
HUDSPETH,
MCNEALUS.

Senator McNealus offered the following amendment:

Amend the printed bill concerning salaries of stenographers for Courts of Civil Appeals allowing \$1200 each year, in lieu of the amounts stated in the bill.

MCNEALUS,
TOWNSEND.

Senator Johnson moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—14.

Astin.	Johnson.
Bailey.	Nugent.
Brelsford.	Real.
Clark.	Terrell.
Conner.	Watson.
Darwin.	Westbrook.
Gibson.	Willacy.

Nays—7.

Collins.	McNealus.
Greer.	Taylor.
Hudspeth.	Townsend.
Lattimore.	

Absent.

Cowell. Morrow.
Harley. Warren.
McGregor. Wiley.

Absent—Excused.

Carter.

Senator Lattimore offered the following amendment, which was read and adopted:

Amend bill to fix salary of one stenographer of each Court of Civil Appeals at \$900 for each year, and for one bailiff of each Court of Civil Appeals at \$100 each year.

Senator Clark moved the previous question on the passage of the bill to a third reading, which motion, being duly seconded, was so ordered.

Senator Conner made the following point of order:

The attempt by the Appropriation Committee to raise the salary of the chief justice and justices of the Supreme Court and the justices of the Court of Criminal Appeals from \$4000 to \$5000, and the salary of the justices of the several Courts of Civil Appeals from \$3500 to \$4000 in the appropriation bill in conformity to the law passed at the Regular Session of the Thirty-third Legislature, is prohibited by Article 7086 of the Revised Statutes, 1911, under the construction placed on Article 3, Section 36, of the Constitution by the Supreme Court in the case of *The State of Texas vs. Steel*, 57 Texas, 200, for the reason that neither the appropriation bill nor the act of the Thirty-third Legislature increasing and fixing the salary of the justices of said several courts in any way refer to, seek to change, or repeal said Article 7086 of the Revised Statutes, 1911, and the act of the Appropriation Committee increasing the salary of said justices during the term of office to which they had been elected is prohibited by law in so far as it attempts to increase said salaries.

The Chair overruled the point of order.

The bill was read second time and passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Astin. Brelsford.
Bailey. Clark.

Collins. Real.
Cowell. Taylor.
Darwin. Terrell.
Greer. Townsend.
Harley. Warren.
Hudspeth. Watson.
Johnson. Westbrook.
Lattimore. Wiley.
McNealus. Willacy.
Nugent.

Nays—1.

Conner.

Absent.

Gibson. Morrow.
McGregor.

Absent—Excused.

Carter.

The bill was read third time and passed by the following vote:

Yeas—22.

Astin. McNealus.
Bailey. Nugent.
Brelsford. Real.
Clark. Taylor.
Cowell. Terrell.
Darwin. Townsend.
Greer. Warren.
Harley. Watson.
Hudspeth. Westbrook.
Johnson. Wiley.
Lattimore. Willacy.

Nays—1.

Collins.

Absent.

Gibson. Morrow.
McGregor.

Absent—Excused.

Carter.

Senator Willacy moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

ADJOURNMENT.

On motion of Senator Bailey, the Senate, at 2:45 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

FOURTEENTH DAY.

Senate Chamber,
Austin, Texas,
Wednesday, August 6, 1913.

The Senate met pursuant to adjournment and was called to order by Lieutenant Governor Will H. Mayes.